

Senate Bill 492

By: Senators Pearson of the 51st, Balfour of the 9th, Seabaugh of the 28th, Wiles of the 37th and Rogers of the 21st

A BILL TO BE ENTITLED
AN ACT

To amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, so as to provide that local governments shall not be denied state funding or water withdrawal permits because of failure to adopt stricter than minimum standards for certain stream or reservoir buffers; to change certain provisions relating to minimum standards and procedures for protection of river corridors, streams, and reservoirs; to change certain provisions relating to model ordinances for effective storm-water management in the Metropolitan North Georgia Water Planning District and for a district-wide watershed management plan, annual review, public meetings, certification by director, and local compliance; to change certain provisions relating to best management practices regarding land-disturbing activities; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, is amended by striking subsection (d) of Code Section 12-2-8, relating to minimum standards and procedures for protection of river corridors, streams, and reservoirs, and inserting in lieu thereof the following:

"(d) The minimum standards and procedures for watershed protection referred to in subsection (b) of this Code section shall specifically include, but shall not be limited to, buffer areas along streams and reservoirs, land development densities, and land use activities. The department may adopt differing minimum standards and procedures of watershed protection based on the size of the watershed, the size or flow volume of the stream or reservoir, and whether or not the actual use of the municipal water supply is existing or proposed; provided, however, that no local government shall be denied any state grants or loans for any purpose or any water withdrawal permit under Chapter 5 of this title

1 because of the local government's failure to adopt rules, regulations, or ordinances which
2 contain buffers that exceed those required under any such minimum standards."

3 SECTION 2.

4 Said title is further amended by striking paragraph (4) of subsection (e) of Code Section
5 12-5-582, relating to model ordinances for effective storm-water management in the
6 Metropolitan North Georgia Water Planning District and for a district-wide watershed
7 management plan, annual review, public meetings, certification by director, and local
8 compliance, and inserting in lieu thereof the following:

9 "(4) Any local government that fails to adopt substantially the applicable model
10 storm-water ordinance developed by the district under subsection (a) of this Code section,
11 or something at least as effective as said model ordinance, and any local government that
12 fails to adopt and implement the applicable plans developed by the district under this
13 Code section shall be ineligible for state grants or loans for storm-water related projects
14 determined by the director to be inconsistent with the terms of such model ordinance or
15 such plans; provided, however, that no local government shall be denied any state grants
16 or loans for any purpose or any water withdrawal permit under Chapter 5 of this title
17 because of the local government's failure to adopt rules, regulations, or ordinances which
18 contain stream buffers that exceed those required by the applicable model storm-water
19 ordinance. The determination of the director may be appealed by the local government
20 to the board, whose decision by majority vote shall be final."

21 SECTION 3.

22 Said title is further amended in Code Section 12-7-6, relating to best management practices
23 regarding land-disturbing activities, by striking subsection (c) and inserting in lieu thereof
24 the following:

25 "(c) Nothing contained in this chapter shall prevent any local issuing authority from
26 adopting rules and regulations, ordinances, or resolutions which contain stream buffer
27 requirements that exceed the minimum requirements in subsection (b) of this Code section;
28 provided, however, that no local issuing authority shall be denied state grants or loans for
29 any purpose or any water withdrawal permit under Chapter 5 of this title because of such
30 local issuing authority's failure to adopt rules, regulations, or ordinances which contain
31 stream buffers that exceed such minimum requirements."

32 SECTION 4.

33 All laws and parts of laws in conflict with this Act are repealed.